

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

JAMES LEWIS,

Defendant.

) CRIMINAL NO.: - - -

05 CR 10093 PBS

) VIOLATIONS:

) 18 U.S.C. § 2071(a) and (b) - Removal and
Destruction of Government Records; and
Attempt to Remove and Destroy
Government Records

INDICTMENT

COUNT ONE: (Title 18, United States Code, Section 2071(b) - Removal and
Destruction of Government Records)

The Grand Jury charges:

1. At all times material times to this indictment, defendant JAMES LEWIS was employed at the Internal Revenue Service ("IRS"), Andover Service Center, as a Lead Clerk in the Distribution Unit. In the course of his employment, JAMES LEWIS was responsible for processing taxpayer records that are missing information such as social security numbers, processing Taxpayer Advocate cases, responding to taxpayer inquiries (including, but not limited to, change of addresses, status of refunds, abatement of interest and penalties, explanation of deductions, amended tax returns, requests from elderly and handicapped individuals for assistance) and sending Business Master File and Innocent Spouse Cases to the IRS Office in Cincinnati, Ohio.

2. From in or about January 2003, the exact date being unknown to the Grand Jury, continuing through in or about May 2003 in the District of Massachusetts,

JAMES LEWIS

the defendant herein, having custody of documents and papers filed and deposited with the IRS Andover Service Center, a public office, as the Lead Clerk of the Distribution Unit of the IRS Andover Service Center, wilfully and unlawfully did remove and destroy papers and documents, that is, numerous taxpayer records.

All in violation of Title 18, United States Code, Section 2071(b).

COUNT TWO: (Title 18, United States Code, Section 2071(a) - Attempt to Remove and Destroy Government Records)

The Grand Jury further charges:

From in or about March 2003, the exact date being unknown to the Grand Jury, continuing through in or about April 2003 in the District of Massachusetts,

JAMES LEWIS

the defendant herein, wilfully and unlawfully did attempt to remove and destroy certain records and documents, that is, numerous taxpayer records, concerning taxpayer returns, filed and deposited with the IRS Andover Service Center, a public office, which documents had come into LEWIS' possession and under his care by virtue of his employment at the IRS Andover Service Center as a Lead Clerk. The taxpayer records included but were not limited to corrected W-2 forms, a charitable contribution statement, a copy of a check made payable to the IRS, a copy of a death certificate, and letters from taxpayers and their representatives seeking assistance.

All in violation of Title 18, United States Code, Section 2071(a).

A TRUE BILL

Robert B. Johnson
FOREMAN OF THE GRAND JURY

Mary W. Cais
ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS; April 5, 2005 @ 12:35 PM

Returned into the District Court by Grand Jurors and filed.

Debra Brown
DEPUTY CLERK

Criminal Case Cover Sheet

Place of Offense: Massachusetts Category No. II Investigating Agency IRSCity Andover**Related Case Information:**County Essex

Superseding Ind./ Inf. _____ Case No. _____

Same Defendant _____ New Defendant _____

Magistrate Judge Case Number _____

Search Warrant Case Number _____

R 20/R 40 from District of _____

Defendant Information:Defendant Name James Lewis

Juvenile

 Yes No

Alias Name _____

Address 1 Colonial Road, Apt. 14, Windham, NH 03087Birth date (Year only): _____ SSN (last 4 #): _____ Sex M Race: Caucasian Nationality: U.S.A

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA George Vien Bar Number if applicable _____Interpreter: Yes No List language and/or dialect: _____Matter to be SEALED: Yes No Warrant Requested Regular Process In Custody**Location Status:**

Arrest Date: _____

 Already in Federal Custody as _____ in _____. Already in State Custody _____ Serving Sentence Awaiting Trial On Pretrial Release: Ordered by _____ on _____Charging Document: Complaint Information IndictmentTotal # of Counts: Petty _____ Misdemeanor _____ Felony _____

Continue on Page 2 for Entry of U.S.C. Citations

 I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 4/05/05Signature of AUSA: George Vien

05/03/2005 10093-PBS

~~JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse~~

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant James Lewis

U.S.C. Citations

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>18 USC 2071(b)</u>	<u>Removal and Destruction of Gov. Records</u>	<u>1</u>
Set 2 <u>18 USC 2071(a)</u>	<u>Attempt to Remove and Destroy Gov. Records</u>	<u>2</u>
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
Set 9 _____	_____	_____
Set 10 _____	_____	_____
Set 11 _____	_____	_____
Set 12 _____	_____	_____
Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____

ADDITIONAL INFORMATION: